

independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

(c) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1)(C) and (D) of section 3202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753; Pub. L. 93-191, § 9, Dec. 18, 1973, 87 Stat. 745; Pub. L. 94-553, § 105(e), Oct. 19, 1976, 90 Stat. 2599.)

#### AMENDMENTS

1976—Subsec. (a). Pub. L. 94-553 substituted “subsection (b)” for “subsections (b) and (c)”.

Subsecs. (c), (d). Pub. L. 94-553 redesignated subsec. (d) as (c). Former subsec. (c), directing the Library of Congress to transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title, was struck out.

1973—Subsec. (d). Pub. L. 93-191 added subsec. (d).

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

### § 3207. Limit of weight of penalty mail; postage on overweight matter

(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

- (1) stamped paper and supplies sold or used by the Postal Service; and
- (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

(b) A penalty mail article which is—

- (1) over 4 pounds in weight;
- (2) not in excess of the weight and size prescribed for mail matter; and
- (3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

### § 3208. Shipment by most economical means

Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

### § 3209. Executive departments to supply information

Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754.)

### § 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any

law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or

Member-elect unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days (or, in the case of a Member of the House, fewer than 90 days) immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for election; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 90 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) As used in this section, the term "mass mailing" means, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed;

(ii) from a Member of Congress to other Members of Congress, or to Federal, State, or local government officials; or

(iii) of a news release to the communications media.

(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

(7) A Member of the House of Representatives may not send any mass mailing outside the congressional district from which the Member was elected.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on of-

ficial business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be non-mailable as franked mail under subsection (a)(4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or State from which the Member was elected.

(2) A Member-elect to the Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or the State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, §1(a), Dec. 18, 1973, 87 Stat. 737; Pub. L. 94-177, Dec. 23, 1975, 89 Stat. 1032; Pub. L. 95-521, title VII, §714(a), Oct. 26, 1978, 92 Stat. 1884; Pub. L. 97-69, §§1-3(a), 4, Oct. 26, 1981, 95 Stat. 1041-1043; Pub. L. 97-263, §1(1), (2), Sept. 24, 1982, 96 Stat. 1132; Pub. L. 101-163, title III, §318, Nov. 21, 1989, 103 Stat. 1067; Pub. L. 101-520, title III, §311(h)(1), 316, Nov. 5, 1990, 104 Stat. 2280, 2283; Pub. L. 102-392, title III, §309(a), Oct. 6, 1992, 106 Stat. 1722; Pub. L. 104-197, title I, §102(a), Sept. 16, 1996, 110 Stat. 2401; Pub. L. 109-435, title X, §1010(g)(4), Dec. 20, 2006, 120 Stat. 3262.)

#### AMENDMENTS

2006—Subsec. (a)(6)(C). Pub. L. 109-435 substituted “is postmarked fewer” for “is mailed fewer”.

1996—Subsec. (a)(6)(A)(i). Pub. L. 104-197, §102(a)(1), inserted “(or, in the case of a Member of the House, fewer than 90 days)” after “60 days”.

Subsec. (a)(6)(A)(ii)(II). Pub. L. 104-197, §102(a)(2), substituted “90 days” for “60 days”.

1992—Subsec. (a)(7). Pub. L. 102-392, §309(a)(1), substituted “from which the Member was elected” for “of the Member, except that—

“(A) a Member of the House of Representatives may send mass mailings to any area in a county, if any part of the county adjoins or is inside the congressional district of the Member; and

“(B) in the case of redistricting, on and after the date referred to in subsection (d)(1)(B), a Member of the House of Representatives may send mass mailings to the additional area described in that section”.

Subsec. (d)(1). Pub. L. 102-392, §309(a)(2), struck out subpar. (A) designation, substituted “the Member” for “he” and a period for “; and”, and struck out subpar. (B) which read as follows: “with respect to a Member of

the House of Representatives on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.”

1990—Subsec. (a)(6)(E). Pub. L. 101-520, §311(h)(1), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “For purposes of this section, the term ‘mass mailing’ means newsletters and similar mailings of more than five hundred pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

“(i) which are in direct response to communications from persons to whom the matter is mailed;

“(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

“(iii) of news releases to the communications media.”

Subsec. (a)(7). Pub. L. 101-520, §316, added par. (7).

1989—Subsec. (a)(6). Pub. L. 101-163, §318(3), which directed the substitution of “is postmarked fewer” for “is mailed fewer” in subparagraph (c) of subsec. (a)(6) of this section, was not executed because subsec. (a)(6) does not have a subparagraph (c). See 2006 Amendment note above.

Subsec. (a)(6)(A)(i), (ii)(II). Pub. L. 101-163, §318(1), (2), substituted “is postmarked fewer” for “is mailed fewer”.

Subsec. (a)(6)(F). Pub. L. 101-163, §318(4), added subpar. (F).

1982—Subsec. (b)(1), (2). Pub. L. 97-263 inserted reference to Law Revision Counsel of House of Representatives.

1981—Subsec. (a)(3)(F). Pub. L. 97-69, §1, struck out provision relating to mail matter expressing condolences to a person who has suffered a loss.

Subsec. (a)(5). Pub. L. 97-69, §2(a), inserted provision relating to brief references in otherwise frankable mail in subpar. (B)(i), and struck out subpar. (D) which related to mass mailing mailed at or delivered to any postal facility less than 28 days immediately before the date of any primary or general election in which the Member or Member-elect was a candidate for public office. See subsec. (a)(6) of this section.

Subsec. (a)(6). Pub. L. 97-69, §2(b), added par. (6).

Subsec. (d). Pub. L. 97-69, §3(a), substituted “Congress” for “the House” in provisions of par. (1) preceding subpar. (A), substituted “congressional district or State” for “congressional district” in par. (1)(A), inserted “with respect to a Member of the House of Representatives” after “(B)” in par. (1)(B), substituted “Congress” for “House of Representatives” and “congressional district or the State” for “congressional district” in par. (2), added pars. (4), (5), and (6), and redesignated former pars. (4) and (5) as (7) and (8), respectively.

Subsec. (e). Pub. L. 97-69, §4(a), struck out provisions under which the cost of preparing or printing mail matter which was frankable under this section could be paid from any funds, including but not limited to funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election Campaign Act of 1971 (Public Law 92-225), or from voluntary newsletter funds, or from similar funds administered or controlled by a Member or by a committee organized to administer such funds.

Subsecs. (f), (g). Pub. L. 97-69, §4(b), added subsec. (f) and redesignated former subsec. (f) as (g).

1978—Subsec. (b)(1), (2). Pub. L. 95-521 inserted reference to Senate Legal Counsel.

1975—Subsec. (b)(1). Pub. L. 94-177, §1(a), struck out “and” before “each of the elected officers”, and “until the 1st day of April following the expiration of their respective terms of office” after “(other than a Member of the House)”.

Subsec. (b)(3). Pub. L. 94-177, §1(b), added par. (3). 1973—Subsec. (a). Pub. L. 93-191 added subsec. (a). Former first sentence provided in part for franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(1). Pub. L. 93-191 incorporated part of former first sentence in provisions designated as subsec. (b)(1), substituted reference to elected officers of House of Representatives (other than a Member of House) for former references to Clerk of House of Representatives and the Sergeant at Arms of House of Representatives, included reference to Legislative Counsel of Senate, substituted the 1st day of April for the thirtieth day of June, and substituted internal reference to subsec. (a)(2) and (3) of this section for former provision respecting franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(2). Pub. L. 93-191 incorporated former second sentence in provisions designated as subsec. (b)(2), substituted provision respecting vacancy in Office of an elected officer of House of Representatives (other than a Member of House) for former provision respecting vacancy in office of Clerk of House of Representatives and Sergeant at Arms of House of Representatives and included provision for vacancy in Office of Legislative Counsel of Senate.

Subsecs. (c) to (f). Pub. L. 93-191 added subsecs. (c) to (f).

1971—Pub. L. 92-51 inserted reference to Legislative Counsel of House of Representatives.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 102(b) of Pub. L. 104-197 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1996, and shall apply with respect to any mailing postmarked on or after that date."

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 309(b) of Pub. L. 102-392 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 6, 1992]."

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 311(h)(1) of Pub. L. 101-520 applicable with respect to sessions of Congress beginning with the first session of the One Hundred Second Congress, see section 59e(i) of Title 2, The Congress.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 3(b) of Pub. L. 97-69 provided that: "This section [amending this section] shall become effective 120 days after the date of enactment of this Act [Oct. 26, 1981]."

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Section 14 of Pub. L. 93-191 provided that: "(a) Except as provided in subsection (b) of this section, the provisions of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending this section, sections 3206, 3211, 3212, 3215, 3216, and 3218 of this title, and sections 733 and 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] shall become effective on the date of enactment of this Act [Dec. 18, 1973].

"(b) The provisions of section 3214 of title 39, United States Code, as amended by section 4 of this Act; and

the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 7 of this Act, shall take effect as of December 27, 1972."

#### SEPARABILITY

Section 15 of Pub. L. 93-191 provided that: "If a provision of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending this section, sections 3206, 3211, 3212, 3214 to 3216, and 3218 of this title, and sections 733 and 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications."

#### MASS MAILINGS BY SENATORS

Pub. L. 103-283, title I, §§5, 6, July 22, 1994, 108 Stat. 1427, provided that:

"SEC. 5. Effective October 1, 1994, each of the figures contained in section 506(b)(3)(A)(iii) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A)(iii)) is increased by \$50,000: *Provided*, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed \$50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank.

"SEC. 6. (a) This section shall apply to mailings by Senators, made during fiscal year 1995 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

"(b) For the purposes of this paragraph—

"(1) the term 'mass mailing'—

"(A) means, with respect to a session of Congress, a mailing of more than 500 newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

"(B) does not include a mailing—

"(i) of matter in direct response to a communication from a person to whom the matter is mailed;

"(ii) to other Members of Congress or to a Federal, State, or local government official;

"(iii) of a news release to the communications media;

"(iv) of a town meeting notice, but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election; or

"(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

"(c) Except as provided in section 5, a Senator may not mail a mass mailing under the frank.

"(d) The Senate Committee on Rules and Administration shall prescribe rules and regulations and take other action as the Committee considers necessary and proper for Senators to comply with this section and regulations."

Section 316(a), formerly section 316(a), (b), of Pub. L. 101-163, as renumbered and amended by Pub. L. 101-520, title III, §311(h)(3), Nov. 5, 1990, 104 Stat. 2280; Pub. L. 102-392, title III, §308(a), Oct. 6, 1992, 106 Stat. 1722, provided that: "Effective January 1, 1990, a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senator shall be limited to 2 sheets of paper (or their equivalent), including any enclosure that—

"(1) is prepared by or for the Senator who makes the mailing; or

“(2) contains information concerning, expresses the views of, or otherwise relates to the Senator who makes the mailing.”

[Section 308(b) of Pub. L. 102-392 provided that: “The amendments made by subsection (a) [amending section 316(a) of Pub. L. 101-163, set out above] shall take effect on October 1, 1992.”]

### § 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 2, Dec. 18, 1973, 87 Stat. 741; Pub. L. 97-69, § 5(a), Oct. 26, 1981, 95 Stat. 1043.)

#### AMENDMENTS

1981—Pub. L. 97-69 substituted “during the 90-day period immediately” for “until the first day of April”.

1973—Pub. L. 93-191 substituted “each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April” for “the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June”.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

### § 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 3, Dec. 18, 1973, 87 Stat. 741.)

#### AMENDMENTS

1973—Subsec. (a). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (a).

Subsec. (b). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (b), authorized sending, as franked mail, reprints of parts of Congressional Record, and authorized the mailing of Congressional Record if the listed matter is mailable as franked mail under section 3210 of this title.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

### § 3213. Seeds and reports from Department of Agriculture

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 97-69, § 5(b), Oct. 26, 1981, 95 Stat. 1043.)

#### AMENDMENTS

1981—Par. (2). Pub. L. 97-69 substituted “during the 90-day period immediately” for “until the thirtieth day of June”.

### § 3214. Mailing privilege of former President; surviving spouse of former President

A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked “Postage and Fees Paid” in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 4(a), Dec. 18, 1973, 87 Stat. 742; Pub. L. 103-123, title IV, § 6(b), Oct. 28, 1993, 107 Stat. 1246; Pub. L. 105-61, title IV, § 409(b), Oct. 10, 1997, 111 Stat. 1299.)

#### AMENDMENTS

1997—Pub. L. 105-61 struck out subsec. (a) designation, substituted “A former President” for “Subject to subsection (b), a former President”, and struck out subsec. (b) which read as follows: “Subsection (a) shall cease to apply—

“(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

“(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

“(B) is the surviving spouse of a former President;

and

“(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph 1(A)).”

1993—Pub. L. 103-123 designated existing provisions as subsec. (a), substituted “Subject to subsection (b), a former” for “A former”, and added subsec. (b).

1973—Pub. L. 93-191 limited the mailing privilege to nonpolitical mail, extended the privilege to surviving spouse of former President and provided for acceptance of such mail marked “Postage and Fees Paid” by the Postal Service for transmission in the international mails.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Section 6(c) of Pub. L. 103-123 provided that: “The amendments made by subsections (a) and (b) [amending this section and provisions set out as a note under section 102 of Title 3, The President] shall take effect on October 1, 1993.”

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 27, 1972, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

### § 3215. Lending or permitting use of frank unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organiza-